CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	e 🔲	Discourt.	☐ U.S.
Wassim Abedrabbo		Squad #9	201805529	☑ Abus	se 🗆	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precin	ct: 18	Mo. SOL	EO SOL
Saturday, 05/26/2018 12:16 AM				09	1.3	1/26/2019	11/26/2019
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/	Time Rec	eived at CCl	RB
Sat, 07/07/2018 7:41 PM		CCRB	On-line website	Sat, C	7/07/2018	3 7:41 PM	
Complainant/Victim	Type	Home Addre	ess				
Subject Officer(s)	Shield	TaxID	Command				
1. LT James Lee	00000	930421	009 PCT				
2. POM David Tague	03566	953464	009 PCT				
3. An Officer			009 PCT				
Witness Officer(s)	Shield N	o Tax No	Cmd Name				
1. SGT Louis Guglielmo	00489	930285	009 PCT				
Officer(s)	Allegatio	on			Investig	ator Recon	nmendation
A.LT James Lee	Abuse: A Lieutenar of force.	t ^{§ 87(2)(b)} nt James Lee threatened	in Manhati § 87(2)(b) with	tan, the use			
B.LT James Lee	Abuse: A	t ^{§ 87(2)(b)} nt James Lee frisked ^{§ 87}	in Manhatt	tan,			
C. An Officer		at the 9th Precinct station le in which § 87(2)(b)	nhouse, an officer se was an occupant.				
D.POM David Tague		at the 9th Precinct station ague damaged § 87(2)(b)	nhouse, Police Offices s property.	cer			

Case Summary

On July 7, 2018, § 87(2)(b) filed this complaint via the CCRB's on-line complaint
system.
On May 26, 2018, at approximately 12:16 a.m., §87(2)(b) s vehicle was stopped at the
intersection of in Manhattan, by Lieutenant James Lee and Police
Officer David Tague, both of the 9th Precinct, for having an LED light bar emitting from the
inside of his black 2013 Mercedes Benz. After the officers approached, § 87(2)(b) asked
Lieutenant Lee why his shield did not have a number on it. In response, Lieutenant Lee opened
the driver door of $\S{87(2)(b)}$ s vehicle and yelled at $\S{87(2)(b)}$ to exit the vehicle, stating
that he would pull him out if he did not (Allegation A: Abuse of Authority - Threat of force,
After § 87(2)(b) exited the vehicle, Lieutenant Lee frisked his person
(Allegation B: Abuse of Authority – Frisk, § 87(2)(g)
§ 87(2)(b) was ultimately placed in custody and transported to the 9 th Precinct
stationhouse. Upon being released approximately three hours later, § 87(2)(b) was issued two
summonses, one for disorderly conduct and the second for having an unauthorized light emitting
from the vehicle. When § 87(2)(b) returned to his vehicle, he saw that his vehicle was
allegedly searched and that the cigarette lighter socket was allegedly pulled out and broken
(Allegation C: Abuse of Authority – Vehicle search, 887(2)(g) (Allegation D:
Abuse of Authority – Property damage, § 87(2)(g)
Video footage was not obtained in relation to this investigation.
On July 27, 2018, this case was closed pending litigation; however, it was reopened on
September 25, 2018.
Findings and Recommendations
Allegation (A) Abuse of Authority: At \$87(2)(b) in Manhattan,
Lieutenant James Lee threatened § 87(2)(b) with the use of force.
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vehicle he would be arrested by "force." At that time, Lieutenant Lee already decided that \$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
Lee frisked § 87(2)(b)
PO Tague provided a statement that was consistent with Lieutenant Lee, except where noted
below. (Board Review 03). PO Tague stated that after §87(2)(b) did not comply with their
orders to provide ID, he was asked to step out of the vehicle and did so voluntarily. Force was not
necessary to get § 87(2)(b) out of the vehicle. PO Tague did not mention that Lieutenant Lee
threatened to use force against § 87(2)(b)
In the narrative section of the summons issued to §87(2)(b) PO Tague noted that §
was screaming and using profanity in the middle of a public street causing a crowd to
gather and creating a hazardous condition at the location (Board Review 04).
Force may be used when it is reasonable to ensure the safety of a member of the service
or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or
to prevent escape from custody. Patrol Guide Procedure 221-01 (Board Review 07).
An officer must immediately frisk an apprehended individual after they are taken into
custody. Patrol Guide Procedure 208-03 (Board Review 08).
§ 87(2)(b), § 87(2)(g)
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Allegation (C) Abuse of Authority: At the 9th Precinct stationhouse, an officer searched the
vehicle in which § 87(2)(b) was an occupant.
It is undisputed that § 87(2)(b) s vehicle was taken to the precinct stationhouse after he
was placed in NYPD custody.
§ 87(2)(b) stated that upon returning to his vehicle, his belongings in the glove
compartment, center console, and trunk were scattered and disorganized. Because § 87(2)(b)
keeps his belongings in an orderly fashion, this led him to believe that his vehicle was searched.
did not see any officer search his vehicle (Board Review 01).
PO Tague stated that he entered the vehicle solely to remove the LED light. He did not
otherwise search the vehicle in any way and he did not see any other officer search the vehicle at
any point (Board Review 03).
Lieutenant Lee stated that he did not enter \[\frac{\frac{87(2)(b)}}{87(2)(b)} \] vehicle at any point to search it or take
any action otherwise. He did not have any discussion with any officer regarding §87(2)(b) s
vehicle being searched and he did not learn that an officer searched § 87(2)(b) s vehicle at any
point (Board Review 02).
§ 87(2)(b), § 87(2)(g)

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7(2)(g)	
 llegation (D) Abuse of Authority: At the 9th Precinct stationhouse, Police Officer I	David
ague damaged § 87(2)(b) s property.	
It is undisputed that PO Tague recovered the illegal LED light from § 87(2)(b) s v	ehicle
When § 87(2)(b) got to his vehicle after being released, he saw that the LED light	was r
his vehicle and the cigarette lighter it was plugged into was pulled out and broken (Boa	ırd
Review 01).	
was not able to provide a photo of the alleged damage.	
PO Tague stated that he retrieved the LED light from § 87(2)(b) s vehicle at the	
ationhouse by detaching the suction cups that attached the light to the windshield and	
nplugging the cord from the cigarette lighter. He did not damage the cigarette lighter or	see a
amage to it (Board Review 03).	
§ 87(2)(b), § 87(2)(g)	
Civilian and Officer CCRB Histories	
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• § 87(2)(b)	
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• Lieutenant Lee has been a member of service for 16 years and has been a subject CCRB complaints and 25 allegations, of which five were substantiated (see office	

- history):
 - 200702497 involved a substantiated allegation of property damage against Lieutenant Lee. The Board recommended charges, but the NYPD did not impose a penalty.
 - o 201300702 involved a substantiated allegation of a vehicle search against Lieutenant Lee. The Board recommended command discipline, but the NYPD did not impose a penalty.

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- 201607870 involved substantiated allegations of premises entered, abuse other, and a stop against Lieutenant Lee. The Board recommended command discipline B and the NYPD imposed formalized training.
- PO Tague has been a member of service for six years and this is the first CCRB complaint to which he has been a subject (see officer history).

Mediation, Civil and Criminal Histories

 As of May 10, 2019, the NYC Comptroller's Office has no record of a Notice of Claim being filed in regards to this complaint (Board Review 10). § 87(2)(b) 							
quad No.:	<u>)9</u>						
nvestigator: _	Signature	Print Title & Name	Date				
quad Leader: _	Signature	Print Title & Name	Date				
Reviewer: _	Signature	Print Title & Name	 Date				

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